



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,355	03/12/2004	Richard Schultz		6336

7590 05/19/2005
Thomas A. O'Rourke
Bodner & O'Rourke
425 Broadhollow Road
Melville, NY 11747

EXAMINER

WHITE, RODNEY BARNETT

ART UNIT PAPER NUMBER

3636

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,355

Applicant(s)

SCHULTZ ET AL.

Examiner

Rodney B. White

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Claims 27-26 in the reply filed on 4/22/2005 is acknowledged.

Claims 1-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/22/2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Holmes et al (U.S. Patent No. 6,113,186).

Holmes teaches a sling tightening mechanism comprising a frame of a piece of furniture, said frame having an outer surface and an inner surface, said frame having a hole; a knob on said inner surface of said frame, said knob aligning generally with said hole in said frame; a threaded member 78, said threaded member having a first end and a second end, said first end of said threaded member adapted to receive said knob; a

Art Unit: 3636

connector member, said connector member having a first end and a second end, said first end of said connector member adapted to receive said second end of said threaded member, said connector member having an outer surface and an inner surface; an attachment frame attached to said outer surface of said connector member, said attachment frame adapted to hold a sling; and a tightening means, said tightening means received by said connector member and said threaded member, said tightening means being capable of rotating to push said connector member over said threaded member to make said sling taut, the knob being threaded and cylindrical, the connector being cylindrical, wherein said inner surface of said first end of said connector member is smooth, wherein said inner surface of said second end of said connector member is threaded, wherein said tightening means is a screw, wherein said tightening means is a bolt. (See Figures 5-6).

Claims 27-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Grimshaw (U.S. Patent No. 3,289,220).

Grimshaw teaches a sling tightening mechanism comprising a frame of a piece of furniture, said frame having an outer surface and an inner surface, said frame having a hole; a knob on said inner surface of said frame, said knob aligning generally with said hole in said frame; a threaded member, said threaded member having a first end and a second end, said first end of said threaded member adapted to receive said knob; a connector member, said connector member having a first end and a second end, said first end of said connector member adapted to receive said second end of said threaded member, said connector member having an outer surface and an inner surface; an

Art Unit: 3636

attachment frame attached to said outer surface of said connector member, said attachment frame adapted to hold a sling; and a tightening means, said tightening means received by said connector member and said threaded member, said tightening means being capable of rotating to push said connector member over said threaded member to make said sling taut, the knob being threaded and cylindrical, the connector being cylindrical and connected to a fin, wherein said inner surface of said first end of said connector member is smooth, wherein said inner surface of said second end of said connector member is threaded, wherein said tightening means is a screw, wherein said tightening means is a bolt. (See Figures 1-10)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gunn, Van Doren, and Bjorn teach similar structure and concepts to that of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art Unit 3636
May 12, 2005

A handwritten signature in black ink that reads "Rodney B. White". The signature is fluid and cursive, with the first name "Rodney" and last name "White" clearly legible.

RODNEY B. WHITE
PRIMARY EXAMINER